Recovery of rates and charges under sections 25 and 25A by a municipality.

26. (*1*) Every [1][tax imposed or] rate assessed under [2][the last two preceding sections] or other provision of this Act by a municipality shall be recovered by such municipality from each person answerable therefor in the same manner as a municipal tax due by him

[3][Provided always that, in default of such recovery, it shall be lawful for the Government to direct the Collector to recover such tax or rate in the manner prescribed in the following sub-section, as if it were a tax imposed or a rate assessed by him.]

By the Collector.

(*2*) Every [4][tax imposed or] rate assessed, [4][or amount recoverable] by the Collector as aforesaid shall be recoverable by the Collector as if it were an arrear of land-revenue due by the person answerable therefor.

Effect of introduction of last three sections in Sind.

[5][**26A.** On the last three preceding sections coming into force in Sind, the provisions, so far as they are inconsistent therewith, of sections 16 and 17 of the [6] Bombay District Police Act, 1867, shall be deemed to have been repealed in that Province.

Bom. Act VII of 1867.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of the police.

27. Subject to the orders of Government, the Inspector-General may from time to time make rules or orders not inconsistent with this Act or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the police;

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[1] These words were inserted by s. 8 (*1*) (*a*) of the Bombay District Police Amendment Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

[2] These words were substituted for the words "the last preceding section" by s. 8 (*1*) (*b*) *ibid.*

[3] This proviso was added by s. 8 (*1*) (*c*) *ibid.*

[4] These words were inserted by s. 8 (2) *ibid.*

[5] This section was inserted by s. 9 *ibid.*

[6] Vol. II of this Code.

(*b*) regulating the inspection of the police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

(*d*) for the institution, management and regulation of any police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 13, clause (*1*), and section 17, the distribution, movements and location of the police;

(*f*) regulating the duties of police-officers of different grades;

(*g*) regulating the collection and communication by the police of intelligence and information;

(*h*) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

Inspector-General may call for returns, etc.

28. The Inspector-General of Police may, subject to the rules and orders of Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. He will communicate to the Magistrate of the district and the Commissioner any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which Government may direct.

Punishment of police officers departmentally for neglect of duty, etc.

29. (*1*) The Governor in Council, or any officer authorized by sub-section (*3*) in that behalf, may suspend, reduce or dismiss any police-officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine, to an amount not exceeding one month's pay, any police-officer below the grade of Assistant [1][or Deputy] Superintendent who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty.

Punishment under this section to be in addition to penalty under section 36, 63 or 64.

(*2*) Any punishment inflicted on a police-officer under this section shall be in addition to the penalty to which such officer is liable under section 36, 63 or 64 of this Act or any other law in force.

[1] These words were inserted by s. 2 and Schedule I of the Bombay Repealing and Amending Act, 1910 (Bom. Act I of 1910), Vol. V of this Code.

(3) The Inspector-General shall have authority to punish an inspector under sub-section (1). A District Superintendent shall have the like authority in respect of any police-officer subordinate to him below the grade of inspector and may suspend an inspector who is subordinate to him, pending inquiry into a grave complaint against such inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf. Punitive powers of Inspector-General and Superintendent.

30. When any officer passes an order for fining, suspending, reducing or dismissing a police-officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in the language of the district or in English. Procedure to be observed in awarding punishment.

31. (1) The Inspector-General and any District Superintendent and any Assistant [1][or Deputy] Superintendent in charge of a portion of a district may punish, by confinement for a period not exceeding three days, any police-officer below the rank of head constable who is, in his presence, grossly insubordinate or who is insolent to him. Departmental punishment for insubordination.

(2) Every order for punishing a police-officer as aforesaid shall be recorded in the manner prescribed in section 30, and a copy of every such order made by a District Superintendent or an Assistant [1] [or Deputy] Superintendent shall be forwarded by him to his immediate superior. Procedure to be observed in awarding such punishment.

32. (1) Every police-officer shall, for all purposes of this Act, be deemed to be always on duty in the area for which he is appointed or to which he is lawfully transferred, and any police-officer and any number or body of police-officers appointed for one part of the presidency may, if Government or the Inspector-General so direct, at any time be employed on police duty in any other part of the presidency for so long as the services of the same may be there required. Police-officers to be deemed to be always on duty and to be liable to employment in any part of the presidency.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and Magistrate of the district by the Inspector-General of any proposed transfer under this section, and, except where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer. Intimation of proposed transfers to be given by the Inspector General to the Commissioner and District Magistrate.

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[1] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

Police officers not to engage in trade, etc.

33. (*1*) No police-officer shall engage in trade or be in any way concerned either as principal or agent, in the purchase or sale of land within the district wherein he is employed or in any commercial transaction whatever, without the permission of the Magistrate of the district or of Government.

Police officers under the rank of Assistant Superintendent not to be employed on other than police duties.

(*2*) No police-officer under the rank of Assistant [1][or Deputy] Superintendent shall, unless with the written permission of the Inspector-General, hold any office, or practise in any profession, or engage in any employment whatever other than his office or duties as such police-officer.

These prohibitions to apply also when a police-officer is on leave or under suspension.

(3) The prohibitions in sub-sections (*1*) and (*2*) apply when a police-officer is on leave or under suspension as well as when he is on duty.

Under what conditions police-officer may resign.

34. (*1*) Unless with the written permission of the District Superintendent or of some other police-officer empowered by the Inspector-General to grant such permission, no police-officer under the rank of Assistant [1][or Deputy] Superintendent shall resign his office or withdraw himself from the duties thereof, until—

(*a*) the expiration of two months after written notice of his intention so to do has been given by him to the District Superintendent; and until

(*b*) he has fully discharged any debt due by him, as such police-officer, to Government or to any police fund:

Proviso.

(*2*) Provided that if any such police-officer produces a certificate signed by the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Arrear pay of a police-officer contravening this section may be forfeited.

(3) If any such police-officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the District Superintendent, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 36 of this Act or other law in force.

[1] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

Certificate, arms, etc., to be delivered up by person ceasing to be a police-officer, and

35. (*1*) Every person who for any reason ceases to be a police-officer shall forthwith deliver up to some officer empowered by the District Superintendent to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up may be seized under a search-warrant.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent [1] [Assistant Superintendent or Deputy Superintendent] may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882 [2], by a police-officer or, if the Magistrate, [3] [District Superintendent, Assistant Superintendent or Deputy Superintendent] issuing the warrant so directs, by any other person.

X of 1882.

Saving of certain articles.

(*3*) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc., and

36. (*1*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police-officer, or

for misconduct of police-officers.

(*2*) any police-officer who—

(*a*) contravenes any provision of section 33, or

(*b*) is guilty of cowardice, or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of section 34, or

(*d*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such police-officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

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[1] These words were inserted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] *See* now Act 5 of 1898, Genl. Acts, Vol. V.

[3] These words were substituted for the words "or District Superintendent" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

Consequence of failure to return to duty after leave.

(3) A police-officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of section 34.

Penalty for failure to deliver up certificate of appointment or of office or other article.

37. Any police-officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (*1*) of section 35, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Government may make order under section 144, Code of Criminal Procedure.

38. Government, whenever it shall seem necessary, may by notification make an order to such effect as any order which if made by a Magistrate under section 144 of the Code of Criminal Procedure [1] could be continued in force by Government under the enactment aforesaid. X of 1882.

CHAPTER IV.

POLICE REGULATIONS.

Rules may be made by District Magistrate regarding use of streets, etc.

39. (*1*) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the

[1] *See* now Act 5 of 1898, Genl. Acts, Vol. V.